

Message Text

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72

ORIGIN EB-11

INFO OCT-01 EUR-25 ISO-00 SPC-03 AID-20 NSC-10 RSC-01

CIEP-02 TRSE-00 SS-20 STR-08 OMB-01 CEA-02 TAR-02 L-03

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DRAFTED BY EB/OT/STA:FOSHOUP:CLJ

APPROVED BY EB/OT/STA:EWKEMPE

COMM/BIC:ADAUMAN

EB/CBA:ERANKIN

EUR/WE:EJBEIGEL

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P 102317Z DEC 73

FM SECSTATE WASHDC

TO AMEMBASSY PARIS PRIORITY

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E.O. 11652: N/A

TAGS: ETRD, FR

SUBJECT: PACKAGING AND LABELLING OF ALCOHOLIC BEVERAGES

REFS: A) PARIS A-903, 10/24/72; B) STATE A-3542, 4/24/73;

C) PARIS A-516, 7/11/73; D) STATE A-9959, 12/4/73

1. WE HAVE JUST BEEN INFORMED THAT ON NOVEMBER 10, 1973, THE FRENCH GOVERNMENT PROMULGATED IN THE JOURNAL OFFICIAL AN ARRETE FIXING THE "NET VOLUME OF CONTAINERS" IN WHICH ALCOHOLIC BEVERAGES CAN BE SOLD AT RETAIL. ACCORDING TO A QUOTATION FROM THE ARRETE AS OBTAINED BY THE BOURBON INSTITUTE FROM THE SCOTCH WHISKY ASSOCIATION, THE APPROVED NET VOLUMES DO NOT INCLUDE 0.75 LITER, THE FIFTH-OF-A-GALLON SIZE IN STANDARD AMERICAN USE.

2. ALTHOUGH THE SECOND SENTENCE OF THE EMBASSY'S COMMENT ON ARTICLE 5 OF DECREE 72-937 (PAGE FOUR OF REF C) COULD BE INTERPRETED AS FORESHADOWING THE ARRETE, THE INFORMATION GIVEN BY FRENCH AUTHORITIES THAT "THE GOF HAS NO INTENTION

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TO IMPOSE SIZE STANDARDS ON THE CONTAINERS THEMSELVES" LED THE BOURBON INSTITUTE TO BELIEVE IT HAD NOTHING TO FEAR.

THUS WORD OF THE NEW ARRETE CAME AS AN UNPLEASANT SURPRISE.

3. THE BOURBON INSTITUTE STATES THAT JANUARY 1, 1974, THE PLANNED EFFECTIVE DATE OF THE ARRETE, IS MUCH TOO EARLY TO PERMIT THE INSTITUTE TO MAKE A REASONABLE AND EFFICIENT TRANSITION TO PRODUCING THE APPROVED NET VOLUMES.

4. WE CONSIDER THAT FRENCH INSISTENCE UPON FIXING PERMISSIBLE VOLUMES OF NET CONTENTS FOR ALCOHOLIC BEVERAGE CONTAINERS IS A NON-TARIFF BARRIER TO TRADE. THE SUBSTANCE OF THE ARRETE DOES NOT SEEM CONSISTENT WITH WHAT THE EMBASSY WAS TOLD ABOUT GOF INTENTIONS AS REPORTED IN REF C, AND ANY CLARIFICATIONS THE EMBASSY COULD PROVIDE WOULD BE HELPFUL.

5. AT A MINIMUM, IF OUR INFORMATION AS TO THE CONTENT OF THE ARRETE IS CORRECT, THE EFFECTIVE DATE OF THE ARRETE SHOULD BE POSTPONED IN ORDER TO ALLOW TIME FOR CONSULTATIONS ON A SOLUTION SATISFACTORY TO THE GOF AND U.S. EXPORTERS WHICH WILL PERMIT CONTINUED ENTRY INTO FRANCE OF DISTILLED BEVERAGES EXPORTED FROM THE U.S. IN CONTAINERS OF ALL CURRENTLY TRADED SIZES. IT SHOULD BE NOTED, IN THIS REGARD, THAT UNITED STATES REGULATIONS DO ALLOW FOR THE IMPORTATION OF BEVERAGES, SUCH AS WINES, IN ALL CURRENTLY TRADED SIZES.

6. THE EMBASSY IS REQUESTED TO MAKE THESE POINTS AT THE APPROPRIATE GOF LEVEL AND TO REPORT THE GOF RESPONSE. THE EMBASSY IS ALSO ASKED TO SEND TO THE DEPARTMENT THE FULL TEXT OF THE ARRETE PUBLISHED NOVEMBER 10, 1973, PURSUANT TO DECREE 72-937, AS WELL AS OF SEVERAL OTHER ARRETES ON THE SAME SUBJECT, WHICH WE UNDERSTAND WERE PUBLISHED NOVEMBER 21, 1973. WE DO NOT KNOW WHETHER THESE LATER ARRETES WOULD IMPOSE NEW BARRIERS TO U.S. EXPORTS, NOR THEIR EFFECTIVE DATES. EMBASSY ANALYSIS IS REQUESTED.

FYI: THE BOURBON INSTITUTE INFORMS US THAT SPIRITS IMPORTED IN 0.75 LITER BOTTLES FROM THE UNITED KINGDOM AND IRELAND ARE EXEMPT FROM THE RESTRICTIONS IMPOSED BY THE LIMITED OFFICIAL USE
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NEW ARRETE. IF EXAMINATION OF THE FULL ARRETE PROVES THIS TO BE TRUE, THE EMBASSY SHOULD PROTEST THIS DISCRIMINATION AGAINST UNITED STATES PRODUCTS. END FYI. RUSH

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Disposition Authority: morefirh
Disposition Case Number: n/a
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